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Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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JUL 28 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. 03-132  
) RM-10709  
Amendment of Section 73.202(b) )  
(Table of Allotments) )  
FM Broadcast Stations )  
)  
Springfield, Tennessee and )  
Oak Grove, Trenton, Kentucky<sup>1</sup> )

To: Assistant Chief, Media Bureau  
(Allocations)

**COMMENTS AND AMENDED PROPOSAL**  
**(COUNTERPROPOSAL)**

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July 28, 2003

<sup>1</sup> Trenton, Kentucky, has been added to the caption.

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### **Summary of Pleading**

This is a counterproposal to allot Channel 232A to Trenton, Kentucky, as a first local service instead of Oak Grove, Kentucky, as originally proposed. This counterproposal fully meets the requirements of “unforeseen circumstances” set forth in *Taccoa, Sugar Hill and Lawrenceville, Georgia*, 16 FCC Rcd 21191 (2001). Briefly, as Saga will apparently be unable to own Station WJOI-FM as a station licensed to Oak Grove, Kentucky, Saga, as an alternative, proposes the reallocation of Channel 232A to Trenton, Kentucky. Saga shows herein that Trenton is a community for allotment purposes, and that the services attributed to the Clarksville, TN-KY, Urbanized Area should not be attributed to Trenton. Saga also expresses its interest in applying for a construction permit for WJOI-FM at Trenton, and, if granted, constructing and operating WJOI-FM at Trenton. Details of the proposed channel re-allocation are set forth in the text of the Amended Proposal.

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Springfield, Tennessee, and )  
Oak Grove and Trenton, Kentucky<sup>1</sup> )

To: Assistant Chief, Media Bureau  
(Allocations)

**COMMENTS AND AMENDED PROPOSAL**  
**(COUNTERPROPOSAL)**

Saga Communications of Tuckessee, LLC ("Saga"), by its attorneys, and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully files **these** Comments and Amended **Proposal** which **constitutes** a Counterproposal to the Commission's Notice of **Proposed Rule Making** ("NPRM") in this Docket (DA 03-1989, released June 6, 2003). That NPRM proposes to modify the Table of Allotments (47 C. F. R. §73.202 (b)) to change the allotment of **FM Channel 232A** from Springfield, Tennessee, to Oak Grove, Kentucky, with a **concurrent modification** of the **license** of **WJOI-FM, Springfield, Tennessee**, to operate on Channel **232A** at Oak Grove, Kentucky. Due to unforeseen **circumstances**; i.e., the adoption of **radically restrictive** new multiple ownership **rules**, it is **necessary** to counterpropose the **reallocation** of Channel 232A from Springfield, Tennessee, to Trenton, Kentucky, instead of Oak Grove **Kentucky**. In support whereof, the following is **shown**:

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<sup>1</sup> Trenton, Kentucky, has been added to the caption. The deadline for Comments in this proceeding is July 28, 2003, so this pleading is timely filed.

### **Background**

1. WJOI-FM, Channel 232A, Springfield, Tennessee, is licensed to Saga. In its Petition for Rule Making, Saga requested the Commission to delete Channel 232A from Springfield and to reallocate it to Oak Grove, Kentucky, with a concurrent modification of the license of WJOI-FM to operate on Channel 232A at Oak Grove. This change is permissible under Section 1.420(i) of the Rules, which authorizes the Commission to modify the license or permit of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present allotment. In addition to WJOI-FM, Saga is licensee of the following stations:

Call Sign	Location	Facility Identifier
In Arbitron Radio Market:		
WJMR(AM)	Fort Campbell, KY	61260
WCVQ(FM)	Fort Campbell, KY	61253
WZZP(FM)	Hopkinsville, KY	83979
WVVR(FM)	Hopkinsville, KY	73970
WJQI(AM)	Clarksville, TN	65202
Not in Arbitron Radio Market:		
WJQY(AM)	Springfield, TN	15960

2. In the Telecommunications Act of 1996, Congress directed the Commission to revise the limits on the number of commercial radio stations in a service (AM or FM) that a party may own in a local market. The Commission created four tiers limiting the magnitude of permissible station ownership governed by the number of stations in the relevant radio market. As a result, Section 73.3555(a)(2) of the Rules provides that in a radio market with more than 45 commercial radio stations (the top tier), a party may own, operate or control up to 8 commercial radio stations, not more than 5 of which are in the same service (AM or FM). In a radio market with

14 or fewer commercial radio stations (the lowest tier), a party may own, operate or control up to 5 commercial radio stations, not more than 3 of which are in the same service, except that a party may not own, operate or control more than 50 percent of the stations in such a market. The attached Technical Statement (Attachment A) shows that under the existing multiple ownership rules, there are **68 commercial radio stations in the relevant radio market**. Using the existing “contour-overlap” method, Saga could own Stations WJMR(AM), WCVQ(FM), WZZP(FM), WVVR(FM), WJQI(AM) and WJOI-FM even though there would be common city-grade contour overlap of four FM stations. In fact, Saga could own up to 8 commercial radio stations, with 5 in one service (AM or FM) because the stations would be located in a radio market with more than 45 commercial stations. However, on July 2, 2003, the Commission adopted revised multiple ownership rules in *2002 Biennial Review – Review of the Commission’s Broadcast Ownership Rule et al*, FCC 03-127 (“New Rules”). Revised Section 73.3555(a)(2) defines a radio market by referring to Paragraph 280 of the New Rules that provides that the Commission will “count as being in an Arbitron Metro above-the-line radio stations (*e.g.*, stations that are listed as “home” to that Metro) as determined by BIA.”<sup>2</sup> The Commission will “also include in the market any other licensed full power commercial or noncommercial radio station whose community of license is located within the Metro’s geographic boundary.” The Hopkinsville, Kentucky-Clarksville, Tennessee Arbitron Metro consists of just two counties; *i.e.*, Christian County, Kentucky, and Montgomery County, Tennessee. There are only ten (10) stations listed in the BIA report (Attachment B) showing the number of stations Arbitron lists in the

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2 The Commission says “BIA is a communications and information technology, investment banking, consulting, and research firm.” New Rules fn 586.

Clarksville-Hopkinsville, TN-KY, radio market with two (2) licensed noncommercial stations<sup>3</sup>, for a total of twelve (12) stations in the Arbitron Metro. **Therefore, using the definition set out in the New Rules, the relevant radio market drops from a “top-tier” market with greater than 45 stations to a “first-tier” market with 14 or fewer stations, where one owner may have no more than five stations, three of which can be in one service (AM or FM).** Since Oak Grove, Kentucky, is within Christian County, Kentucky, if the New Rules go into effect unmodified from their current form, Saga could not own WJOI-FM if it were licensed to that community. However, if WJOI-FM were licensed to Trenton, Kentucky, which is located in Todd County, outside the Arbitron Metro, the combination would comply with the New Rules. Therefore, Saga is reluctantly forced to present a counterproposal, as follows:

#### **Trenton, Kentucky**

3. Saga requests the Commission to allot Channel 232A to Trenton, Kentucky, as set forth herein. As Saga is already the licensee of WJOI-FM, and desires to improve its facilities, Saga believes this change in the multiple ownership rules justifies the filing of this amended proposal without requiring the Commission to treat it as a new proposal.

#### **Compliance with *Taccoa* Policy**

4. The Commission has stated it will “carefully review” any counterproposal filed by the initial rule making proponent and require an explanation before accepting such a counterproposal. *Taccoa, Sugar Hill and Lawrenceville, Georgia*, 16 FCC Rcd 21191 (2001). There, the Commission stated, “In the absence of an explanation, such as unforeseen circumstances, as to why the new proposal could not have been advanced in the initial petition

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<sup>3</sup> The Commission’s records show a construction permit is outstanding for WAYP(FM), Clarksville, TN, but the station is not licensed.

for rule making, we reserve the right, as a procedural matter, to process the proposal in a new proceeding.” In Saga’s case, there is ample evidence of unforeseen circumstances as to why the proposal could not have been advanced in the initial petition for rule making. As noted above, Saga is the licensee of a “cluster” of stations in the Clarksville, Tennessee-Hopkinsville, Kentucky, area, and desires to relocate WJOI-FM to a community where its operations can be consolidated with the operations of its other stations in the Clarksville/Hopkinsville cluster, and where it will provide first local service and improved coverage. Trenton, Kentucky, is located in Todd County, outside the Clarksville/Hopkinsville Arbitron Radio Market; therefore, Saga could own WJOI-FM if it were licensed to Trenton. Since an unforeseen rule change has made it necessary to file this counterproposal to Saga’s original proposal to change the specified community of license to Trenton, and in order to expedite first local service to Trenton, the Commission should not treat this as a new proposal.

5. This extraordinary situation meets the “unforeseen circumstances” test set forth in *Taccoa, supra*. Although the Commission had initiated a proceeding on the local radio ownership rule<sup>4</sup> at the time Saga filed its original proposal on November 8, 2002, it was not possible to predict whether the Commission would change its multiple ownership rules, and if so, what form the new rules might take. That became clear for the first time on July 2, 2003, when the Commission released the text of its New Rules. In light of this, it is Saga’s belief that the proposal for Trenton, Kentucky, could not reasonably have been advanced in the initial petition for rule making. For a variety of reasons, Oak Grove was selected over other communities originally considered. Oak Grove was the preferred community at the time of filing the petition.

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<sup>4</sup> See *Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets*, 16 FCC Rcd 19861 (2001) and *Definition of Radio Markets*, 15 FCC Rcd 25077 (2000).

Now that Oak Grove may not be a viable option for Saga, it is necessary at this stage of the proceeding to counterpropose Trenton as the new community of license for WJOI-FM.

6. The Audio Division has found that the proponent of the relocation of a station to Merryville, Louisiana, could successfully counterpropose the relocation of the station to DeQuincy, Louisiana, because the DeQuincy proposal would have been precluded by another facility that subsequently withdrew its application removing the preclusion. See *DeRidder, De Quincy, and Merryville, Louisiana, and Newton, Texas*, DA 03-1935, released June 20, 2003. The reasoning underlying this case is applicable to Saga's situation. It is not necessary for the Commission to issue a new notice of proposed rulemaking since Trenton is located only approximately 10 miles from Oak Grove and parties could reasonably expect a community proximate to the originally specified community to be a "logical outgrowth" of the original proposal.

#### **Mutual Exclusive/Remaining Service Factors**

7. Two factors must be demonstrated in order to change a station's city of license in a rule making proceeding: (1) the channel changes must be mutually exclusive, and (2) the rule making must not deprive a community of an existing service representing its only local transmission service. The Commission has stated that in making the determination of whether to amend the Table of Assignments it would "take into account the totality of the service improvements resulting from a proposed change in community of license in determining whether an allotment proposal should be approved." See *Modification of FM and TV Authorizations (New Community of License)*, 4 FCC Rcd 4870 [66 RR 2d 877] (1989). Saga's proposal is consistent with the rules and Commission policies; i.e., the channel changes are mutually

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exclusive, and as shown *infra*, the rule making will not deprive Springfield of its only local transmission service. The proposal will result in bringing a first local service to Trenton, Kentucky.

### **Expression of Continuing Interest**

8. Saga withdraws its previous expression of interest for Oak Grove<sup>5</sup>, and now states that if the Commission allots Channel 232A to Trenton, Saga will timely file an application for a minor change construction permit to operate WJOI-FM at Trenton, and upon grant, will promptly construct and operate the facilities.

9. The attached Technical Exhibit provides the Commission with technical information about the proposed Springfield/Trenton channel exchange.

### **Springfield, Tennessee**

10. According to the U.S. Census, Springfield had a 2000 population of 14,329 persons. Springfield has three commercial broadcast stations, WJOI-FM and WJQY(AM)<sup>6</sup>, also licensed to Saga, and WSGI(AM), 1100 kHz, 1 kW daytime, licensed to Lightning Broadcasting, LLC. Springfield will not be deprived of its only transmission service if the Commission reallots Channel 232A to Trenton, Kentucky, since two commercial radio stations will remain licensed to Springfield, Tennessee.

### **Trenton, Kentucky**

11. Trenton is listed in the U.S. Census as a city which had a 2000 population of 419. Founded in 1817, Trenton is located in Todd County, Kentucky, outside the Clarksville-

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<sup>5</sup> However, if future events should permit the ownership by Saga of WJOI-FM as an Oak Grove station, Saga reserves the right to seek, at the appropriate time, authority from the Commission to serve Oak Grove.

<sup>6</sup> WJQY operates on 1590 kHz with 710 Watts days, 30 Watts nights.

Hopkinsville, TN-KY Arbitron Radio Market. Trenton has an elected mayor and an elected four-member city commission. The city owns its own water system. It has a police department and volunteer fire department. Trenton has its own U. S. Post Office and ZIP Code, i.e., 42286. Trenton has commercial businesses as listed in Section III(f) *infra*. Trenton has a health care professional, Dr. Mark Campbell, who is opening a clinic in August 2003. Trenton is included in the Bell South telephone directory (See Attachment C, copy of the cover of the Bell South Yellow Pages). Trenton has churches. Therefore, Trenton possesses the requisite "social, economic and cultural components that are commonly associated with community status." See, *FM Table of Allotments (East Hemet, CA)*, 67 RR 2d 146, 147 (1989). WJOI-FM would bring first local radio service to Trenton, since Trenton currently does not have a local station.

#### **Tuck Showing**

12. The Technical Exhibit shows that Trenton is located outside the Clarksville, Tennessee-Kentucky, Urbanized Area, and that Todd County is not included in any Arbitron rated market. A radio station operating with Class A facilities from the reference site at **North Latitude 36° 39' 00", West Longitude 87° 21' 03"** would place a city grade signal over 81% of the Urbanized Area. Since the proposed station could provide a city grade contour to more than 50% of the Urbanized Area, Saga herein makes a showing pursuant to *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1998), and *RKO General (KFRC)*, 5 FCC Rcd 3222 (1990) ("*Tuck-KFRC*") that stations licensed to the Urbanized Area should not be attributed to Trenton. Trenton warrants a first local service preference since it easily meets the tests set out in *Tuck-KFRC*. Trenton is not dependent on Clarksville or Hopkinsville, and the stations licensed to the Clarksville Urbanized Area should not be attributed to Trenton.

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13. To evaluate the three criteria enumerated in *Tuck-KFRC*, the Commission examines (I) the extent to which the proposed station could provide service not only to the suburban community, but also to the adjacent metropolis; (II) relative size and proximity of the suburban community to the metropolis; and (III) whether there is independence of the suburban community from the metropolis. Each of the *Tuck-KFRC* criteria is discussed separately:

I. Signal Population Coverage. The attached Technical Exhibit shows that a Class A station operating from the reference coordinates would place a 60 dBu signal (primary service) over 100 % of the Clarksville Urbanized Area. A 70 dBu signal would serve 81 % of the Urbanized Area or a population of 101,134 persons within the Urbanized Area.

II. Relative Size and Proximity. With respect to the second criterion, of relative size and proximity, Trenton is approximately 23.25 km (14.45 miles) northeast of Clarksville and has a population of 419 according to the 2000 census. Clarksville has a 2000 population of 103,455. Trenton is NOT contiguous with Clarksville (it is over 14 miles distant) or Hopkinsville (approximately 16 miles distant), which should be considered with respect to the relative size and proximity factor as further proof of the separate status of Trenton.

III. Independence of Trenton. The Commission analyzes eight factors to determine whether a community is independent of the metropolis. Each factor is considered herein. In sum, the evidence addressing most of the factors supports a finding of independence of Trenton.

(a) **The extent to which community residents work in Trenton rather than Clarksville.** According to the 2000 U. S. Census, the population of Trenton contains 195 workers age 16 and over. No figures are available in the Census as to how many residents work in Trenton rather than Clarksville.

(b) **Whether Trenton has its own newspaper or other media that covers Trenton's needs and interests.** Trenton has no newspaper, but is served by the Todd County Standard, which is published in Elkton, KY. Trenton has cable television service provided by Mediaone. Subscribers send their payments for cable service to Benton, Kentucky, not Clarksville. Charter Communications provides cable television service to Clarksville. There are no radio or television stations licensed to Trenton at present.

(c) **Whether Trenton community leaders and residents perceive Trenton separate from Clarksville.** There are attached letters from the mayor of Trenton and a member of the city commission stating that Trenton is independent from the Clarksville Urbanized Area, and that they perceive Trenton as separate and distinct from the Urbanized Area.<sup>7</sup> The Mayor, Dr. Craig Hines, has been a resident of Trenton since 1996. The Commissioner, Lelia Coles, has been a resident of Trenton her entire life. Both are in a position to know the perceptions of their constituents who are residents of Trenton. Both urge the Commission to allow Station WJOI-FM to change its community of license to Trenton so that the community may have its own local radio station. Residents of Trenton are governed by the laws of Kentucky, not Tennessee, and pay their taxes to the State of Kentucky and Todd County, Kentucky. Trenton school children attend Kentucky schools. Residents of Trenton must transact government business (marriage licenses, drivers licenses, deed registrations, etc.) with the State of Kentucky and its subdivisions, not with Tennessee.

(d) **Trenton has its own local government and elected officials.** As noted *supra*, Trenton has its own local government and elected officials. It has a mayor and city commission,

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<sup>7</sup> Attachment D, copies of letters from Dr. Craig Hines, Mayor, and Lelia Cole, Trenton City Commissioner.

and annual budget of some \$390,000.<sup>8</sup> Trenton is represented in the Kentucky State Legislature whereas Clarksville is represented by members of the Tennessee General Assembly.

Additionally, Trenton residents are represented in the U.S. Congress by different members than those who represent residents of Clarksville, Tennessee.

(e) **Whether Trenton has its own telephone book provided by the local telephone company or ZIP code.** Trenton has its own post office and ZIP code, but does not have its own telephone directory because all of the smaller communities in the region are combined into one regional telephone directory. Trenton listings are included in the regional directory covering Todd County. That directory does not include Clarksville. The area code for Trenton is 270, while the area code for Clarksville is 931. The ZIP code for Trenton is 42286, while the ZIP code for Clarksville is 37043.

(f) **Trenton has its own commercial establishments and health facility.** Trenton has a wide variety of commercial businesses<sup>9</sup> that include United Southern Bank, WF Ware Co., Inc., Ken-Tex Machine Shop, S&W Service Station, Top Cat Trucking, Trenton Beauty Shop, Cherry Grove Golf Course, Busy Bee Farms, Tin Barn Berries and Francie's Market. As previously noted, health care is to be provided by Dr. Mark Campbell who is opening a clinic in August 2003. Churches include Trenton Baptist, Mt. Zion Baptist, Queen Ann Baptist, Macedonia Baptist, Mount Pisgah, Baptist, Trenton Assembly of God, Trenton & Bells Chapel United Methodist, and Trenton Presbyterian.

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<sup>8</sup> Source: Interview of Susan Quesenberry, WJOI-FM General Manager, with Trenton officials.

<sup>9</sup> Source: Trenton City Hall.

(g) **The extent to which Trenton and Clarksville are part of the same advertising market.** Arbitron includes Clarksville listeners in radio audience measurements for the Clarksville-Hopkinsville, TN-KY radio market, but Todd County is not included in that radio market.

(h) **The extent to which Trenton relies on Clarksville for various municipal services such as police, fire protection, schools and libraries.** Trenton has its own municipal services, which includes a police department and water-sewer department. Trenton collects city taxes. It has a volunteer fire department. Trenton school children attend schools provided by Todd County, Kentucky, not Clarksville. Trenton does not have its own public library.<sup>10</sup>

14. ***Tuck Summary.*** While *Tuck-KFRC* factor one (signal population coverage) would appear to favor attributing the Urbanized Area aural services to Trenton, the second factor (size/proximity of Trenton to Clarksville) and the third factor (independence of Trenton from the Urbanized Area) clearly support a finding of not attributing the Clarksville, Tennessee-Kentucky Urbanized Area aural services to Trenton. As stated in *Tuck*, the size and proximity of the specified community to the central city and signal population coverage are pertinent, but less significant than evidence of independence. As a result, the Commission should conclude that Trenton is sufficiently independent from the Clarksville, Tennessee-Kentucky Urbanized Area so that the aural services licensed to the Urbanized Area should NOT be attributed to Trenton.

#### **Section 307(b) Analysis**

15. In determining which proposal will better serve the public interest, the Commission is guided by the allotment priorities set forth in *Revision of FM Assignment Policies and*

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<sup>10</sup> Source: Susan Quesenberry.

*Procedures*, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters [Co-equal weight is given to priorities (2) and (3).] Under priority three, first local service, Trenton warrants a preference over retaining WJOI-FM as a third local service to Springfield. Retaining WJOI-FM at Springfield would not trigger priority three because Springfield already has three stations.

### **Other Public Interest Considerations**

16. In changing its community of license, WJOI-FM proposes to relocate its transmitter site. The Technical Exhibit demonstrates that the 60 dBu (1.0 mV/m) contour of WJOI-FM at Springfield covers 1,867 square kilometers, encompassing a population of 82,971 persons. WJOI-FM operating at Trenton would cover 2,516 square kilometers and 195,108 persons – more than double the licensed service. The Technical Exhibit indicates that there is no loss area resulting from the proposed WJOI-FM change receiving fewer than five aural services. The population within the gain area is 189,938 persons. The loss area of 1,611 square kilometers contains 77,801 persons. There are 5 AM and 9 FM stations that provide 100% coverage to the loss area. Therefore, the loss area is well-served. *See, FM Table of Allotments (Douglas, GA, et al.)*, 10 FCC Rcd 7706, 7707 (1995) (where loss area received service from at least five full-time reception services, Commission found area to be "well-served"). See also *Wray and Otis, Colorado*, 13 FCC Rcd 2612 (1998). The reallocation to Trenton will result in a significant gain in population served by the station, which supplies additional public interest reasons for granting this proposal. As noted above, since Springfield will continue to have service from WJQY and WSGI, Saga's proposal will not deprive Springfield of its only local transmission service. The Commission has made allotment changes where only a daytime AM station remained in a

community. See *Johnstown and Altamont, New York*, 13 FCC Rcd 12463 (1998) [WIZR, Johnstown, operating with 1 kW day and 28 watts at night]. Here, there will be two stations remaining in Springfield. The public interest would be served by reallocating Channel 232A to Trenton, Kentucky, from Springfield, Tennessee, since it would provide Trenton with its first local aural transmission service and enable WJOI-FM to serve greater population.

17. As shown in the attached Technical Exhibit, Trenton would be entirely covered by a 70 dBu or better signal from WJOI-FM. Thus, modification of the license for WJOI-FM would be consistent with the Commission's city-grade contour coverage requirements.

18. As set out in *Revision of FM Assignment Policies and Procedures, supra*, first local service to Trenton is greatly preferred to retaining three local services to Springfield. Thus, there would be a preferential arrangement of allotments resulting from the allotment of Channel 232A to Trenton.

WHEREFORE, Saga respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

	<u>Present</u>	<u>Proposed</u>
	<b>Tennessee</b>	
Springfield	232A	----- <sup>11</sup>
	<b>Kentucky</b>	
Trenton	NONE	232A

**Conclusion**

19. Because the New Rules may preclude Saga's ownership of WJOI-FM as an Oak Grove, Kentucky, station, Saga requests the Commission to allot Channel 232A to Trenton,

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<sup>11</sup> WJQY(AM) and WSGI(AM) are to remain licensed to Springfield.

Kentucky, and modify the license of WJOI-FM to operate on FM Channel 232A at Trenton. If the Commission so modifies the license of WJOI-FM, Saga will timely file an application for minor change construction permit to operate WJOI-FM at Trenton, and upon grant thereof, Saga will construct the new facilities and operate WJOI-FM at Trenton, Kentucky.

Respectfully submitted,

**SAGA COMMUNICATIONS OF  
TUCKESSEE, LLC**



By:

\_\_\_\_\_  
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July 28, 2003

**ATTACHMENT A**

# **TECHNICAL STATEMENT IN SUPPORT OF COUNTERPROPOSAL TO PETITION FOR RULE MAKING**

July 2003

This Technical Exhibit supports the Counterproposal to the Petition for Rule Making to assign Channel 232A to Oak Grove, Kentucky. This counterproposal seeks to assign Channel 232A to Trenton, Kentucky instead. It is proposed to delete Channel 232A from Springfield, Tennessee<sup>1</sup>. The city of Trenton, located in Todd County, has a population of 419 persons according to the 2000 U.S. Census. The city of Trenton is outside of the Clarksville, Tennessee Urbanized Area and Todd County is not included in any Arbitron rated market. From the proposed reference point<sup>2</sup> all FM spacing per §73.207 of the Commission's Rules are met. Additionally, a station operating with maximum Class A facilities will provide the entire community of Trenton with a 70 dBu or greater service.

Under the present multiple ownership rules using the "contour overlap" method, Saga could own WJOI-FM licensed at Oak Grove, Kentucky and continue to own its five Clarksville/Hopkinsville market stations WJMR (AM), WCVQ (FM), WZZP (FM), WVVR (FM) and WJQI (AM) (2 AM and 3 FM). There are a total of 68 stations providing city grade service to the radio market. Thus this is considered a top tier market with more than 45 commercial radio stations in the market. Within the present multiple ownership rules Saga could own as many as 8 commercial radio stations. Under the proposed multiple ownership rules, Saga would not be able to own WJOI-FM at Oak Grove since that community is located in the Hopkinsville, Kentucky-Clarksville, Tennessee Arbitron Metro, which lists only 12 stations<sup>3</sup>. Since this market is a bottom tier market with less than 14 stations, Saga could own only 5 stations, no more than 3 in the same service.

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<sup>1</sup> Springfield will continue to receive local service from WSGI, 1100 kHz and WJQY, 1590 kHz.

<sup>2</sup> Proposed Channel 232A Reference Point North Latitude 36° 39' 00", West Longitude 87° 21' 03".

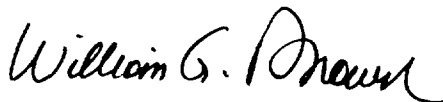
<sup>3</sup> The Clarksville/Hopkinsville Arbitron Market consist of two counties Montgomery, Tennessee and Christian, Kentucky. There are ten Commercial Stations (4 FM, 6 AM) listed in the Arbitron Metro plus two non-commercial FM stations.

The Gain/Loss area map shows that from the reference coordinates a 60 dBu (Primary) contour will provide service to 100% of the proposed city of license. It will place a 60 dBu signal over 100% of Clarksville, Tennessee and Fort Campbell, Kentucky. It will also provide 60 dBu coverage over 100% of the Clarksville Urbanized Area.

The Clarksville Urbanized Area has a 2000 population of 124,857 persons. The proposed facility will provide a 70 dBu contour to 81% of the Urbanized Area or a population coverage of 101,134 persons. Major communities within the Clarksville Urbanized Area are the City of Clarksville, Tennessee (103,455), City of Oak Grove, Kentucky (7,064) and the Census Designated Place of Fort Campbell North, Kentucky (14,338).

The center of Clarksville, Tennessee is located approximately 23.25 kilometers (14.45 miles) southwest of the center of Trenton. A map is attached to this exhibit, which shows the proposed 70 dBu coverage of the Urbanized Area. The population within the WJOI-FM licensed facility 60 dBu contour is 82,971 covering an area of 1,867 sq. km. The population covered by the 60 dBu contour of the proposed facility will more than double to 195,108 with the area increasing to 2,516 sq. km. The population within the 2,260 sq. km gain area is 189,938 persons. The loss area of 1,611 sq. km has a population of 77,801 persons. We show in the attached Gain/Loss Area Study map where there are 5 AM and 9 FM stations that provide 100% coverage to the loss area. Therefore, the loss area remains adequately served.

Bromo Communications, Inc.

A handwritten signature in black ink, reading "William G. Brown". The signature is written in a cursive style with a large, stylized "W" and "B".

William G. Brown

# COUNTERPROPOSAL TO PETITION FOR RULE MAKING

Assign Channel 232A to Trenton, Kentucky  
Delete Channel 232A from Springfield, Tennessee  
Order WJOI to the New Community of License  
July 2003

## Tabulation of Services to Subject Area

### Subject Stations

<u>Call</u>	<u>Ch/Freq</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Power (kW)</u>	<u>City</u>	<u>State</u>
WJOI (Prop.)	232A	36° 38' 23"	87° 20' 39"	6	Trenton	KY
WCVQ	300C	36° 32' 23"	87° 39' 45"	100	Fort Campbell	KY
WJMR	1370	36° 38' 28"	87° 26' 01"	1	Fort Campbell	KY
WJQI	540	36° 32' 28"	87° 19' 33"	1	Clarksville	TN
WVVR	262C	36° 56' 58"	87° 40' 18"	100	Hopkinsville	KY
WZZP	248A	36° 45' 47"	87° 26' 59"	6	Hopkinsville	KY

### FM Services to Subject Area

<u>Call</u>	<u>Ch/Freq</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Power (kW)</u>	<u>City</u>	<u>State</u>
WAKQ	288A	36° 16' 45"	88° 20' 31"	3.7	Paris	TN
WAVJ	285A	37° 07' 14"	87° 51' 31"	6	Princeton	KY
WBKR	223C	37° 36' 29"	87° 03' 15"	100	Owensboro	KY
WCBL	256A	36° 51' 31"	88° 20' 11"	3.3	Benton	KY
WCKK	239A	37° 04' 21"	88° 15' 04"	0.96	Calvert City	KY
WDDJ	245C	37° 02' 56"	88° 36' 52"	100	Paducah	KY
WFGE	279C	36° 32' 58"	88° 19' 52"	100	Murray	KY
WGFX	283C	36° 16' 05"	86° 47' 45"	58	Gallatin	TN
WHOP	254C	36° 52' 54"	87° 30' 44"	100	Hopkinsville	KY
WHRZ	249A	37° 24' 52"	87° 34' 23"	6	Providence	KY
WJXA	225C	36° 07' 14"	86° 58' 07"	100	Nashville	TN
WKDF	277C	36° 02' 08"	86° 50' 56"	100	Nashville	TN
WKDZ	293C	36° 48' 29"	87° 38' 09"	13.4	Cadiz	KY
WKTG	230C	37° 31' 26"	87° 24' 11"	35	Madisonville	KY
WKYA	288A	37° 11' 45"	87° 12' 38"	3	Greenville	KY
WKYQ	227C	37° 02' 56"	88° 36' 52"	100	Paducah	KY
WLZK	231C	36° 18' 50"	88° 17' 33"	10.5	Paris	TN
WMAK	242C	36° 15' 50"	86° 47' 39"	39	Murfreesboro	TN
WMJL	274A	37° 20' 16"	88° 04' 03"	6	Marion	KY
WNRQ	290C	36° 02' 08"	86° 50' 56"	100	Nashville	TN
WNTC	280A	37° 06' 50"	87° 03' 52"	1.95	Drakesboro	KY
WQXQ	270C	37° 35' 03"	86° 59' 29"	100	Central City	KY
WQZQ	273C	36° 17' 36"	87° 18' 21"	100	Dickson	KY
WRQQ	246C	36° 17' 50"	86° 45' 11"	45	Goodlettsville	TN
WRVW	298C	36° 15' 50"	86° 47' 38"	58	Lebanon	TN
WSIX	250C	36° 02' 49"	86° 49' 49"	100	Nashville	TN
WSM	238C	36° 08' 27"	86° 51' 56"	100	Nashville	TN
WSTO	241C	37° 46' 20"	87° 21' 27"	100	Owensboro	KY
WTPR	268A	36° 24' 39"	87° 58' 06"	0.79	McKinnon	TN
WUBT	266C	36° 31' 36"	86° 41' 14"	47	Russellville	KY
WVRY	286C	36° 05' 25"	87° 38' 05"	50	Waverly	TN
WYMV	295A	37° 22' 51"	87° 28' 04"	2.35	Madisonville	KY

### AM Services to Subject Area

<u>Call</u>	<u>Ch/Freq</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Power (kW)</u>	<u>City</u>	<u>State</u>
WCBL	1290	36° 51' 31"	88° 20' 11"	5	Benton	KY
WCTZ	1550	36° 32' 12"	87° 22' 24"	2.5	Clarksville	TN
WDKN	1260	36° 06' 31"	87° 22' 14"	5	Dickson	TN
WEKT	1070	36° 48' 33"	87° 09' 38"	0.5	Elkton	KY
WFMW	730	37° 21' 31"	87° 29' 45"	0.5	Madisonville	KY
WHOP	1230	36° 52' 54"	87° 30' 44"	1	Hopkinsville	KY
WHVO	1480	36° 52' 15"	87° 30' 43"	1	Hopkinsville	KY
WJQY	1590	36° 29' 42"	86° 54' 22"	0.71	Springfield	TN
WJZM	1400	36° 30' 57"	87° 20' 57"	1	Clarksville	TN
WKDA	1200	36° 12' 32"	86° 52' 21"	10	Nashville	TN
WKDZ	1110	36° 52' 57"	87° 50' 44"	0.79	Cadiz	KY
WKYX	570	37° 00' 53"	88° 36' 46"	1	Paducah	KY
WLAC	1510	36° 16' 15"	86° 45' 24"	50	Nashville	TN
WMJL	1500	37° 20' 16"	88° 04' 03"	0.175	Marion	KY
WMTA	1380	37° 16' 34"	87° 08' 39"	0.5	Central City	KY
WMUF	1000	36° 18' 50"	88° 17' 33"	5	Paris	TN
WNBS	1340	36° 37' 42"	88° 18' 04"	1	Murray	KY
WNES	1050	37° 16' 09"	87° 08' 32"	1	Central City	KY
WNQM	1300	36° 12' 30"	86° 53' 38"	50	Nashville	TN
WPHC	1060	36° 04' 57"	87° 50' 05"	1	Waverly	TN
WPKY	1580	37° 07' 14"	87° 51' 31"	0.25	Princeton	KY
WQSE	1030	36° 08' 03"	87° 12' 58"	1	White Bluff	TN
WQSV	790	36° 17' 08"	87° 04' 58"	0.5	Ashland City	TN
WRKY	1130	36° 38' 09"	88° 19' 12"	2.5	Murray	KY
WRUS	610	36° 50' 40"	86° 55' 21"	1.8	Russellville	KY
WSGI	1100	36° 31' 00"	86° 53' 30"	1	Springfield	TN
WSM	650	35° 59' 50"	86° 47' 32"	50	Nashville	TN
WTPR	710	36° 16' 47"	88° 20' 32"	0.75	Paris	TN
WTTL	1310	37° 20' 12"	87° 32' 41"	1.5	Madisonville	KY
WWLK	900	37° 04' 26"	88° 04' 48"	1	Eddyville	KY

# §73.207 Allocation Study

## WJOI-FM

Channel 232A - 94.3 mHz

Trenton, Kentucky

July 2003

Searching from Reference Site  
Trenton, Kentucky

REFERENCE  
36 39 00 N  
87 21 03 W

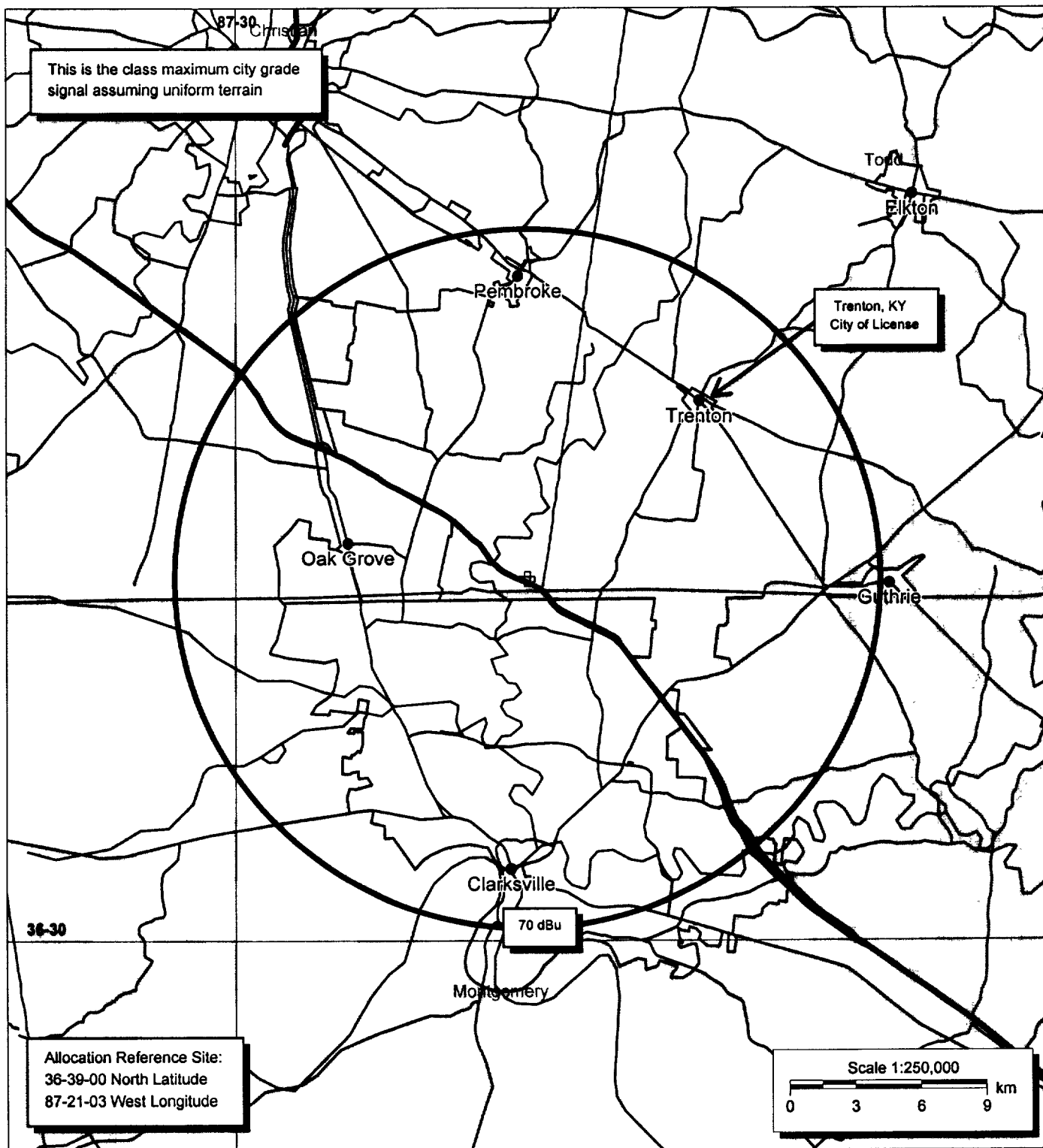
CLASS = A  
Current Spacings  
Channel 232 - 94.3 MHz

DISPLAY DATES  
DATA 06-28-03  
SEARCH 07-07-03

Call	Channel	Location	Dist	Azi	FCC	Margin
RADD	ADD 232A	Oak Grove	KY 1.29	152.5	115.0	-113.71
RADD	ADD 232A	Oak Grove	KY 10.94	122.7	115.0	-104.06
WJOIFM	LIC 232A	Springfield	TN 43.36	113.3	115.0	-71.64
RDEL	DEL 232A	Springfield	TN 43.36	113.3	115.0	-71.64
WULF	LIC-N 232C2	Hardinsburg	KY 166.17	34.9	166.0	0.17
WFGZ	LIC-N 233C2	Lobelville	TN 107.20	203.8	106.0	1.20
WLZK	LIC-N 231C3	Paris	TN 92.26	246.3	89.0	3.26
WLIEFM	LIC 232A	Golconda	IL 120.94	302.9	115.0	5.94
WJJMFM	LIC 232A	Lewisburg	TN 142.57	158.9	115.0	27.57
WRLG	LIC 231A	Smyrna	TN 101.71	135.5	72.0	29.71
WYYB	LIC 229A	Kingston Springs	TN 65.82	150.0	31.0	34.82
WKTG	LIC-N 230C2	Madisonville	KY 97.09	357.3	55.0	42.09
WVRY	LIC 286C2	Waverly	TN 67.13	202.3	15.0	52.13
WLSQFM	LIC 232A	Dyer	TN 170.72	249.6	115.0	55.72
WAVJ	LIC 285A	Princeton	KY 69.11	319.4	10.0	59.11
WLLE	LIC-N 234C2	Mayfield	KY 116.55	276.8	55.0	61.55
ALLO	VAC 233A	Smith Mills	KY 136.39	338.4	72.0	64.39
WGBV	LIC-N 231A	Glasgow	KY 137.04	73.8	72.0	65.04
WBIO	LIC 234A	Philpot	KY 120.53	15.2	31.0	89.53

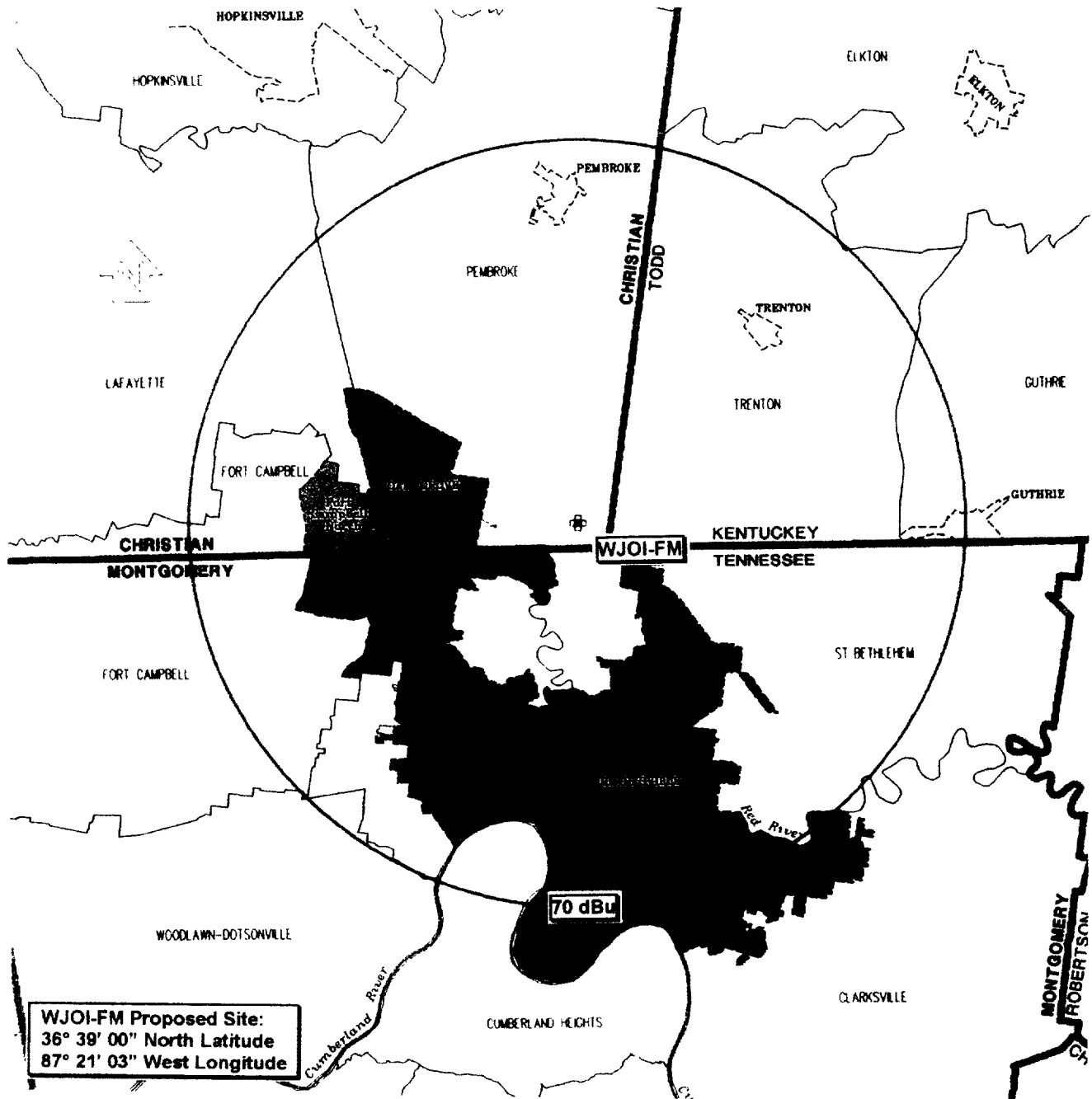
**Bromo Communications, Inc.**

Atlanta, Georgia

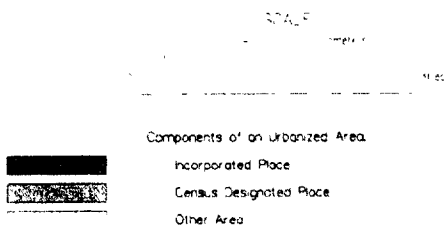


**CITY GRADE CONTOUR**  
**Petition for Rule Making**  
**Channel 232A - 94.3 mHz**  
**Trenton, Kentucky**

**Bromo Communications, Inc.**  
 Atlanta, Georgia  
 July 2003



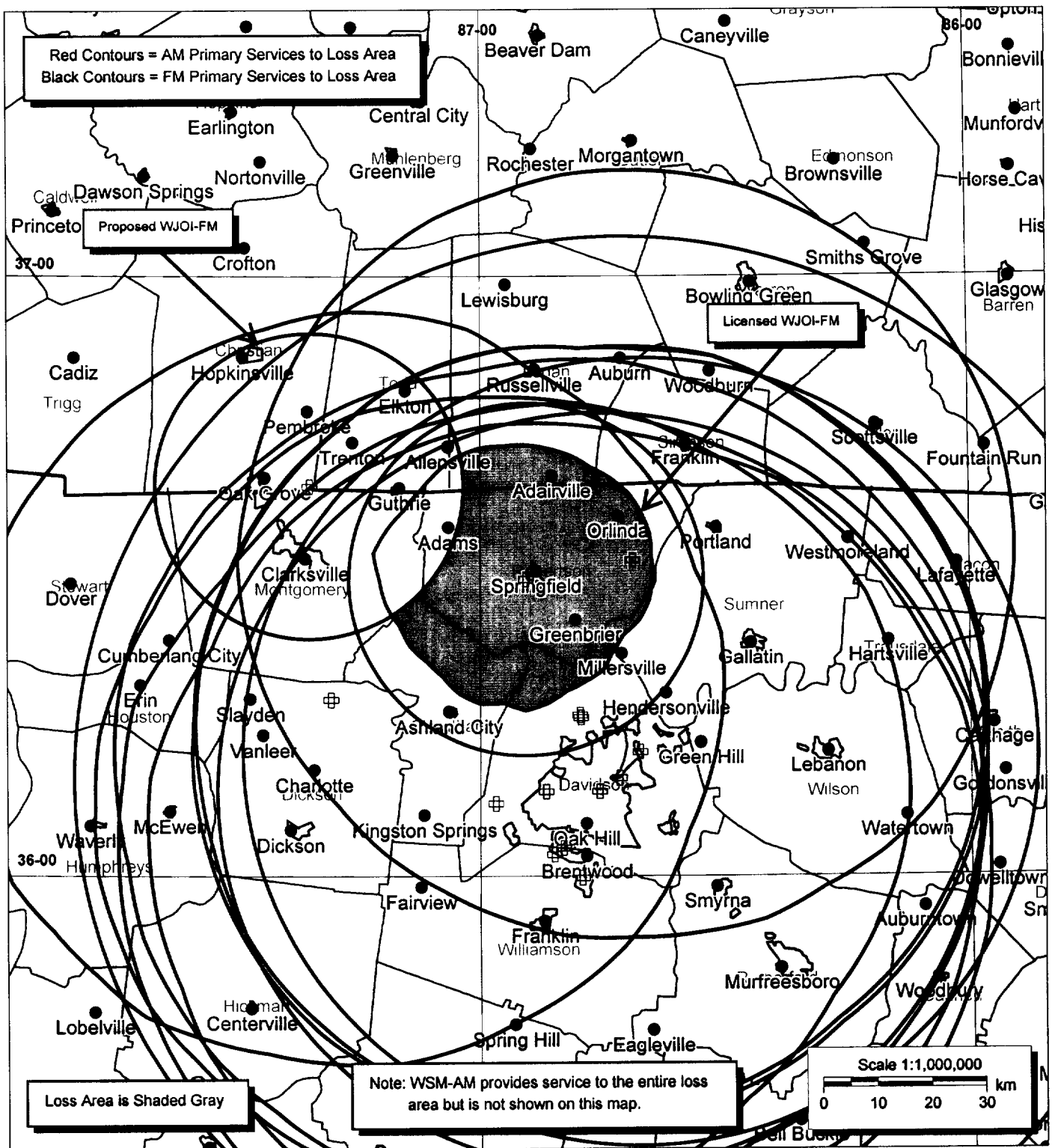
## Clarksville, TN Urbanized Area Map



Note: All geographic boundaries and names are as of January 1, 1990. Where international, State, county, and/or county subdivision boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these geographic entities. Where an international, State, county, or county subdivision boundary coincides with a place boundary, the map does not show the place boundary symbol.

**WJOI-FM**  
 Channel 232A - 94.3 mHz  
 Trenton, Kentucky  
 July 2003

**BROMO** BROADCAST  
 COMMUNICATIONS TECHNICAL CONSULTANTS



## GAIN/LOSS AREA STUDY

**WJOI-FM**

Channel 232A - 94.3 mHz

Trenton, Kentucky

**Bromo Communications, Inc.**

Atlanta, Georgia

July 2003

**WJOI-FM**  
**Channel 232A – 94.3 mHz**  
**Trenton, Kentucky**  
**July 2003**

**TABULATION OF PRIMARY SERVICES  
TO LOSS AREA**

**AM Primary Services to Loss Area**

WAMB (AM) 1160 kHz, Donelson, Tennessee  
WJOY (AM) 1590 kHz, Springfield, Tennessee  
WENO (AM) 760 kHz, Nashville, Tennessee  
WSM-AM 650 kHz, Nashville, Tennessee  
WYFN (AM) 980 kHz, Nashville, Tennessee

**FM Primary Services to Loss Area**

WGFX (FM) Channel 283C1, Gallatin, Tennessee  
WJXA (FM) Channel 225C, Nashville, Tennessee  
WKDF (FM) Channel 277C, Nashville, Tennessee  
WNRQ (FM) Channel 290C, Nashville, Tennessee  
WQZQ-FM Channel 273C1, Dickson, Tennessee  
WRVW (FM) Channel 298C1, Lebanon, Tennessee  
WSIX-FM Channel 250C, Nashville, Tennessee  
WSM-FM Channel 238C, Nashville, Tennessee  
WUBT (FM) Channel 266C1, Russellville, Kentucky

**ATTACHMENT B**

Market: Clarksville-Hopkinsville, TN-KY

## Competitive Overview

Metro Rank: 204

## FM Stations

Calls	City of License	FCC Class	Freq	Power (kW)	HAAT	C	Owner	Year Bld	Date Acq'd	Sales Price (\$000)	L M A	Format	2002 Est Revenue (\$000) 1/	Power Ratio	Avg '02 Local Comm	ARB 12+ Metro Shares (see rights)							
																Fall 2002	Spring 2002	Fall 2001	Spring 2001	Fall 2000	Spring 2000	Fall 1999	Spring 1999
WZZP	Hopkinsville	A	97.5	6.0	320	c	Saga Comm Inc	00	0102		d1	Clec Hits	475	1.51	6.4	7.9	3.7	2.0	3.5	0.0	0.0	0.0	0.0
WHOP	Hopkinsville	C1	98.7	100.0	295	b	Key Bcastg Inc	48	9811	2,740	c1	Lite AC	700	1.25	11.4	6.4	4.8	5.4	7.0	7.1	0.0	0.0	0.0
WVVR	Hopkinsville	C	100.3	100.0	1001	c	Saga Comm Inc	80	0102	7,000		Country	1,400	2.38	12.0	8.4	7.3	3.4	9.3	7.6	0.0	0.0	0.0
WCVQ	Fort Campbell	C1	107.9	100.0	902	c	Saga Comm Inc	88	0102	6,700	d1	AC	1,300	1.83	14.5	8.4	6.4	6.4	7.9	6.2	0.0	0.0	0.0
# FM Stations - 4 # Combos - 4 FM TOTALS															44.3	30.1	22.0	17.2	27.7	20.9	0.0	0.0	0.0

## AM Stations

Calls	City of License	FCC Class	Freq	Day Power (kW)	Night Power (kW)	C	Owner	Year Bld	Date Acq'd	Sales Price (\$000)	L M A	Format	2002 Est Revenue (\$000) 1/	Power Ratio	Avg '02 Local Comm	ARB 12+ Metro Shares (see rights)							
																Fall 2002	Spring 2002	Fall 2001	Spring 2001	Fall 2000	Spring 2000	Fall 1999	Spring 1999
WDXN	Clarksville	D	540	1.0	0.06	c	Saga Comm Inc	54	0102		d1	ChrsContemp	75			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WHOP	Hopkinsville	C	1230	1.0	1.00	b	Key Bcastg Inc	40	9811		c1	Nws/Tlk/Spt	100	0.98	5.4	1.5	2.3	2.5	2.2	2.7	0.0	0.0	0.0
WJMR	Fort Campbell	D	1370	1.0	0.05	c	Saga Comm Inc	83	0102		d1	Urban	200	0.48	8.8	2.0	2.8	4.9	4.8	4.9	0.0	0.0	0.0
WJZM	Clarksville	C	1400	1.0	1.00		Comberland Radio	41	8004	210		Nws/Spt/Tlk	150	0.83	3.3	2.0	1.4	1.5	2.2	1.8	0.0	0.0	0.0
WHVO	Hopkinsville	D	1480	1.0	0.02		Ham Bcastg Co Inc	54	8509	90		Oldies	150	1.80	1.7	1.0	0.5	1.0	1.3	0.4	0.0	0.0	0.0
WCTZ	Clarksville	B	1550	2.5 cp	0.01		Cromswell Group	80				Black Gospel	350	1.88	4.3	2.5	2.3	1.5	1.3	0.9	0.0	0.0	0.0
# AM Stations - 8 # Combos - 3 AM TOTALS															23.5	9.0	9.3	11.4	11.8	11.8	0.0	0.0	0.0
Stations Profiled - 10 # Duopolies - 2 Total Local Commercial Share																38.1	31.3	28.6	38.5	32.6	0.0	0.0	0.0

NOTE: Market first rated Fall 2000

1/ See introduction section for interpretation of revenue estimates.

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Metro Rank: 204

Radio data is current as of 06/02/2003

**ATTACHMENT C**

 **BELLSOUTH**

# The Real Yellow Pages



**Todd County**

Do Not Discard Before February 2004

including Elkton, Guthrie, South  
Guthrie, TN, Sharon Grove & Trenton

Includes customer listings for all  
local telecommunications companies.



100% Recyclable  
Printed on Recycled Paper

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**ATTACHMENT D**

FROM : CITY OF TRENTON

PHONE NO. : 2704663332

Jul. 25 2003 11:24PM P2

CITY OF TRENTON  
P.O. BOX 72  
111 SOUTH MAIN STREET  
TRENTON, KENTUCKY 42286-0072  
(270) 466-3332

July 25, 2003

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
Washington, DC 20554


Dear Ms. Dortch:

I am mayor of Trenton, Kentucky. I have been a resident of Trenton since 1996. My family and I moved here to open a veterinary clinic.

Based on my familiarity with the area, I can state that Trenton is independent from the Clarksville-Hopkinsville TN-KY Urbanized Area, and that I and other residents of Trenton perceive Trenton as separate and distinct from the Clarksville-Hopkinsville TN-KY Urbanized Area.

The Trenton City Commissioners and I urge the FCC to allow station WJOI-FM to change its community of license to Trenton so that we may have our own local radio station.

Sincerely,



Dr. Craig Hines  
Mayor

FROM : CITY OF TRENTON

PHONE NO. : 2704663332

Jul. 25 2003 11:25PM P3

CITY OF TRENTON  
P.O. BOX 72  
111 SOUTH MAIN STREET  
TRENTON, KENTUCKY 42286-0072  
(270) 466-3332

Marlene Dortch, Esq.,  
Secretary  
Federal Communications Commission  
Washington, DC 20554

Dear Ms. Dortch:

I am a member of the City Commission of Trenton, Kentucky. I serve voluntarily on the commission since retiring from teaching with the Todd County School District. I have lived in Trenton all of my life. (55 years), and consider it a wonderful place to live.

A group of us worked for a year on an application to the National Main Street Organization/Renaissance of Kentucky and were accepted in October 2002. We are the only tri-city Renaissance program in Kentucky, which includes Trenton, Guthrie, and Ellettsville. We are very excited about the possibility of restoring our small towns to their original historic appearance.

Based on my familiarity with this area, I can state that Trenton is independent from the Clarksville-Hopkinsville TN-KY Urbanized Area, and that I and other residents of Trenton perceive Trenton as separate and distinct from the Clarksville-Hopkinsville TN-KY Urbanized Area.

We strongly urge the FCC to allow station WJOT-FM to change its community of license to Trenton so that we may have our own local radio station. This would be such an asset to our area!

Sincerely,



Lelia Cole  
Trenton City Commission

**CERTIFICATE OF SERVICE**

I, Sherry L. Schunemann, a secretary in the law offices of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Comments and Amended Proposal (Counterproposal)" was hand delivered this 28<sup>th</sup> day of July, 2003, to the following:

Ms. Rolanda F. Smith  
Federal Communications Commission  
Media Bureau  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

  
Sherry Schunemann